

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

FEB 28 2008

U. S. DISTRICT COURT
E. DISTRICT OF MO.

UNITED STATES OF AMERICA,)

Plaintiff,)

V.)

No.)

DONNELL MCCLOUD,)

Defendant.)

4:08CR00156CAS

INDICTMENT

COUNT I

A. The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));

(b) "sexually explicit conduct" to mean actual or simulated

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-

anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C.

§2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about January 17, 2008, and on or about February 13, 2008, in the Eastern District of Missouri,

DONNELL MCCLOUD ,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, K.G., to engage in sexually explicit conduct, specifically: K.G. engaged in oral sex and vaginal sexual intercourse with defendant Donnell McCloud, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images contained on a Lexar brand Smart Card 512 MB, and such depictions were produced using materials, to-wit: a

Lexar brand Smart Card 512 MB, that had been mailed, shipped, or transported in interstate and foreign commerce,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

A TRUE BILL.

FOREPERSON

CATHERINE L. HANAWAY
United States Attorney

CARRIE COSTANTIN, #54734
Assistant United States Attorney